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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/107,083  | 06/29/1998  | CHRISTOPHER M. WHITE | MS1-260US           | 7534             |
| 22801   | 7590        | 01/06/2006           | EXAMINER            |                  |
| LEE & HAYES PLLC<br>421 W RIVERSIDE AVENUE SUITE 500<br>SPOKANE, WA 99201 |             |                      |                     | VU, NGOC K       |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             | 2611                 |                     |                  |

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>   |
|------------------------------|------------------------|-----------------------|
|                              | 09/107,083             | WHITE, CHRISTOPHER M. |
| <b>Examiner</b>              | <b>Art Unit</b>        |                       |
|                              | Ngoc K. Vu             | 2611                  |

**— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —**

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 October 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-5,7-29 and 31-36 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5,7-29 and 31-36 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: .

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/19/05 has been entered.

***Response to Arguments***

2. Applicant's arguments filed 10/19/05 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-29 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffield et al. (US 5,398,074 A) in view of LeGall et al. (US 6,081,263 A).

Regarding claim 1, Duffield discloses a method of displaying recently accessed television channels comprising the following steps: determining whether a television channel has been recently selected by a user (determining a channel that is frequently and/or continuously selected and reselected by a viewer – see col. 1, lines 14-19); adding the television channel to a list of selected channels if the television channel was determined to be recently selected and generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary

video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58).

Duffield also does not disclose displaying a live television broadcast through a web browser program. However, LeGall discloses displaying information such as a live audio/video and web sites using an HTML frame or web browser to enable a user to configure the user's world of information resources. It is noted that the video or broadcast resource includes cable broadcast or satellite transmission (see col. 2, lines 25-29; col. 6, lines 1-4; col. 7, lines 17-28; col. 8, lines 3-8; figure 7C). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by presenting a live television broadcast through a web browser to enable the user to configure the user's world of information resources as disclosed by LeGall in order to enable the user to access those information resources easily and intuitively.

Regarding claims **2 and 3**, Duffield discloses monitoring the selected channel for a predetermined length of time (frequently and/or continuously channel selected and reselected by the viewer – see col. 1, lines 14-19).

Regarding claims **4 and 5**, Duffield discloses selecting the television channel from the secondary video pictures using a remote control in response to on-screen menu prompts (see col. 4, lines 20-24).

Regarding claims **7 and 9-11**, Duffield discloses enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control (see col. 6, lines 20-28).

Regarding claim **8**, Duffield discloses enlarging the selected picture as a main screen (see figures 1-3). Duffield does not disclose removing the remaining secondary video pictures.

Official Notice is taken that the feature of displaying a selected picture on a full screen and removing other pictures from the screen is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying a selected picture on a full screen and removing other pictures from the screen in order to view the selected picture on screen without obstructiveness.

Regarding claim 12, Duffield discloses that the new selected channel appears in the middle and the former selected channel is moved to the top or bottom (see col. 6, lines 29-33).

Regarding claim 13-15 and 17, Duffield discloses displaying multiple viewing secondary video pictures of the channels on screen and allowing the user to select one for displaying on main screen (see figures 1-3).

Regarding claim 16, 18 and 19, Duffield discloses updating the pictures at full speed (see col. 4, lines 9-17).

Regarding claim 20, Duffield discloses a method comprising the following steps: generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58); applying a focus (a distinct border design 72) to one of the small display screens to designate the one small display screen as active and containing a currently selected channel and to differentiate the active small display screen from remaining ones of the small display screens (enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control - see col. 6, lines 20-28).

Duffield does not disclose displaying a live television broadcast through a web browser program. However, LeGall discloses displaying information such as a live audio/video and web

sites using an HTML frame or web browser to enable a user to configure the user's world of information resources. It is noted that the video or broadcast resource includes cable broadcast or satellite transmission (see col. 2, lines 25-29; col. 6, lines 1-4; col. 7, lines 17-28; col. 8, lines 3-8; figure 7C). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by presenting a live television broadcast through a web browser to enable the user to configure the user's world of information resources as disclosed by LeGall in order to enable the user to access those information resources easily and intuitively.

Regarding claim 21, Duffield discloses enlarging the selected picture as a main screen (see figures 1-3). Duffield does not disclose removing the remaining secondary video pictures. Official Notice is taken that the feature of displaying a selected picture on a full screen and removing other pictures from the screen is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying a selected picture on a full screen and removing other pictures from the screen in order to view the selected picture on screen without obstructiveness.

Regarding claims 22 and 23, Duffield discloses enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control (see col. 6, lines 20-28), and displaying multiple viewing secondary video pictures of the channels on screen and allowing the user to select one for displaying on main screen (see figures 1-3).

Regarding claims 24 and 25, Duffield discloses updating the pictures at full speed (see col. 4, lines 9-17).

Regarding claim 26, Duffield discloses a method comprising the following steps: generating a primary display screen having multiple small display screens, each small display

screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58); displaying still images captures from corresponding channels in the small display screens (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58).

Duffield does not disclose displaying a live television broadcast through a web browser program. However, LeGall discloses displaying information such as a live audio/video and web sites using an HTML frame or web browser to enable a user to configure the user's world of information resources. It is noted that the video or broadcast resource includes cable broadcast or satellite transmission (see col. 2, lines 25-29; col. 6, lines 1-4; col. 7, lines 17-28; col. 8, lines 3-8; figure 7C). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by presenting a live television broadcast through a web browser to enable the user to configure the user's world of information resources as disclosed by LeGall in order to enable the user to access those information resources easily and intuitively.

Regarding claim 27, Duffield discloses updating the pictures at full speed (see col. 4, lines 9-17).

Regarding claim 28, Duffield discloses displaying multiple viewing secondary video pictures of the channels on screen (see figures 1-3).

Regarding claim 29, Duffield discloses a client system capable of receiving multiple television channels, comprising: a processor (82); and a memory (inside the processor) having stored therein executable instructions (software) which, when executed by the processor, cause

the processor to perform the following steps: determining whether a television channel has been recently selected by a user (determining a channel that is frequently and/or continuously selected and reselected by a viewer – see col. 1, lines 14-19); adding the television channel to a list of selected channels if the television channel was determined to be recently selected and generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58).

Duffield does not explicitly disclose displaying a live television broadcast through an interactive display environment including World Wide Web content. However, LeGall discloses displaying information such as a live audio/video and web sites using an HTML frame or web browser to enable a user to configure the user's world of information resources. It is noted that the video or broadcast resource includes cable broadcast or satellite transmission (see col. 2, lines 25-29; col. 6, lines 1-4; col. 7, lines 17-28; col. 8, lines 3-8; figure 7C). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by presenting a live television broadcast through a web browser to enable the user to configure the user's world of information resources as disclosed by LeGall in order to enable the user to access those information resources easily and intuitively.

Regarding claim 31, Duffield as modified by LeGall discloses that the user's world or display screen is represented by an HTML frame (see LeGall: col. 8, lines 3-8).

Regarding claim 32, LeGall further teaches an Internet system comprising at least one server system, a wide area network interconnecting the server system and one or more client systems as recited in claim 29 (see col. 2, lines 26-30).

Claims 33, 34, and 35 are computer-readable medium claims which embody the method steps of claims 1, 20, and 26, respectively, in computer code (i.e., software). Neither Duffield nor LeGall explicitly teaches the method embodied in software. Official Notice is taken that automating method steps in software is extremely well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teaching of Duffield and LeGall by providing the method steps in Duffield and LeGall as discussed with respect to claims 1, 20, and 26, respectively, as program code (i.e., software) in order to automate the combined system of Duffield and LeGall and provide computer control.

4. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (US 20030066085 A1) in view of Duffield et al. (US 5,398,074 A) and further in view of LeGall et al. (US 6,081,263 A).

Regarding claim 36, Boyer et al. discloses in a set top box system (116 – see figure 3) capable of receiving and presenting both television and web content on a television, a user interface executing on the set top box system (see figures 1-30) comprising providing television program guide data and related multimedia information to the user's multimedia system in the form of one or more web pages to allow the user access information widely. Boyer further discloses that using a web site platform also allows a wide range of service options, e.g., video , images, text...etc, to be provided (see page 1, 0013; page 2, 0015 and figures 1-3). Moreover, Boyer shows presenting per view event when the user selects and orders it from pay-per-view channel (see page 9, 0130-0134).

Boyer does not disclose displaying multiple small display screens wherein each small display screen corresponding to a channel recently selected by a user. However, Duffield discloses that secondary video pictures 24 representing channels frequently and/or continuously

selected and reselected by the viewer are displayed on a screen 20 (see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58). Duffield further discloses enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control (see col. 6, lines 20-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Boyer by displaying video pictures representing channels frequently and/or continuously selected and reselected by the viewer as taught by Duffield in order to view recently selected channels simultaneously.

Boyer does not explicitly disclose displaying a live television broadcast through a web browser program. However, LeGall discloses displaying information such as a live audio/video and web sites using an HTML frame or web browser to enable a user to configure the user's world of information resources. It is noted that the video or broadcast resource includes cable broadcast or satellite transmission (see col. 2, lines 25-29; col. 6, lines 1-4; col. 7, lines 17-28; col. 8, lines 3-8; figure 7C). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Boyer by presenting a live television broadcast through a web browser to enable the user to configure the user's world of information resources as disclosed by LeGall in order to enable the user to access those information resources easily and intuitively.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Primary Examiner  
Art Unit 2611

January 3, 2006